**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.16903 of 2007

**14.8.2007**

Between:

Govinda Reddypalle Gram Panchayat, Govindareddypalle
Represented by its Sarpanch, Smt.T.Suseelamma, W/o.T.Krishnaiah
…Petitioners

And

The Mandal Revenue Officer, Tavanampalle Mandal, Chittoor District
And others
…Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.16903 of 2007

ORDER:

Govindareddypalle Gram Panchayat, Gajulapalle, is aggrieved by a report sent by the Tahsildar, Tavanampalle, to the District Collector, Chittoor, seeking ratification of the action in handing over an extent of Acs.0.04 in survey No.243/9 to Assistant Director (Animal Husbandry), District Rural Development Authority (DRDA), Chittoor, and for approval revised alienation. In this writ petition, besides seeking writ of Mandamus declaring the same as illegal, petitioner seeks to set aside the same.

An extent of Acs.0.10 in survey No.243/3 was initially allotted to Mandal Mahila Samakhya, Thavanampalle, for establishing Balaji Milk Chilling Unit (BMCU) at Gajulapalle. After conducting inspection by the Assistant Project Director of DRDA and Tahsildar, it was decided that the land allotted is not suitable for establishing BMCU. Therefore it was proposed to alienate Acs.0.04 in survey No.243/9. The Tahsildar then informed the District Collector, who orally directed to handover advance possession pending against proposals. Accordingly the Tahsildar handed over possession of Acs.0.04 in survey No.243/9 to Assistant Director (Animal Husbandry), DRDA, and addressed the impugned letter.

Learned Counsel for the petitioner submits that the impugned letter sent by the Tahsildar is in contravention of Section 58 of Andhra Pradesh Panchayat Raj Act, 1994 (the Act, for brevity) and Rule 3 of Acquisition and Transfer of Property by Gram Panchayats, Mandal Parishads and Zilla Parishads Rules, 2001 (the Rules, for brevity). **Opposing** the writ petition, learned Assistant Government Pleader for

Panchayat Raj, on instructions, submits that the land has been handed over to BMCU and that the alienation of the land to BMCU is at the stage of proposal and therefore the writ petition is premature.

A perusal of the impugned letter would show that the same does not confer any right on BMCU or take away any right if it vests in the Gram Panchayat. It is only a proposal. Though the report/impugned letter is not served on the Gram Panchayat curiously the same is challenged in the writ petition. Such a writ petition cannot be entertained. It is well settled that internal correspondence between the subordinate officer and higher officials or office notes do not confer any rights, to challenge in a writ petition. Secondly, though the land is situated in Gram Panchayat, it is not always permissible to assume that the same vests in that Gram Panchayat. Section 58 of the Act and Rule 3 of the Rules are to be read narrowly and all the poramboke lands situated in Gram Panchayat and are not required for the Government for any purpose shall vest in Gram Panchayat. Now that the proposal is sent to the District Collector, it is open to the petitioner to raise objection before the District if not already raised. As and when the petitioner files objections, the District Collector may consider the same.

The writ petition is misconceived and is accordingly dismissed. No costs.

_____

(**V.V.S.RAO, J**)

August 14, 2007
YS